

10/26/02

02-27-02

A

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box ☐ Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MBX 035 DIV  
First Inventor Simon F. Williams  
Title MEDICAL DEVICES AND APPLICATIONS OF POLYHYDROXYALKANOATE POLYMERS  
Express Mail Label No. EL 639 985 126 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 66]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages 3]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: Check for \$370.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No 09, 535,146

Prior application information.

Examiner Szekely, P.

Group 1 Art Unit. 1714

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion of the disclosure is omitted from the submitted application parts.

## 18. OFFICE ADDRESS

☒ Customer Number or Bar Code Label

23579

or ☒ Correspondence address below

PATENT & TRADEMARK OFFICE

Name Patrea L. Pabst  
Holland & Knight LLP  
Address 2000 One Atlantic Center  
1201 West Peachtree Street  
City Atlanta State GA Zip Code 30309-3400  
Country United States Telephone 404-817-8473 Fax 404-817-8588

Name (Print/Type)

Patrea L. Pabst

Registration No. (Attorney/Agent)

31,284

Signature

Date

2/26/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 487.00)

## Complete if Known

|                      |                          |
|----------------------|--------------------------|
| Application Number   | Divisional of 09/535,146 |
| Filing Date          | February 26, 2002        |
| First Named Inventor | Simon F. Williams        |
| Examiner Name        |                          |
| Group Art Unit       |                          |
| Attorney Docket No.  | MBX 035 DIV              |

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1868

Deposit  
Account  
Name

Holland &amp; Knight LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 \$ 117

- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed: \$ 370  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity  |               | Small Entity  |               | Fee Description        | Fee Paid |
|---------------|---------------|---------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) |                        |          |
| 101           | 710           | 201           | 355           | Utility filing fee     | 370.00   |
| 106           | 320           | 206           | 160           | Design filing fee      |          |
| 107           | 490           | 207           | 245           | Plant filing fee       |          |
| 108           | 710           | 208           | 355           | Reissue filing fee     |          |
| 114           | 150           | 214           | 75            | Provisional filing fee |          |

SUBTOTAL (1) (\$ 370.00)

## 2. EXTRA CLAIM FEES

| Total Claims              |    | Extra Claims |      | Fee from below |      | Fee Paid |        |
|---------------------------|----|--------------|------|----------------|------|----------|--------|
|                           |    |              |      |                |      |          |        |
| Independent Claims        | 33 | -20          | = 13 | x              | 9.00 | =        | 117.00 |
| Multiple Dependent Claims | 2  | -3           | = 0  | x              |      | =        |        |

| Large Entity  |               | Small Entity  |               | Fee Description  |
|---------------|---------------|---------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) |  |
| 103           | 18            | 203           | 9             | Claims in excess of 20                                     |
| 102           | 80            | 202           | 40            | Independent claims in excess of 3                          |
| 104           | 270           | 204           | 135           | Multiple dependent claim, if not paid                      |
| 109           | 80            | 209           | 40            | ** Reissue independent claims over original patent         |
| 110           | 18            | 210           | 9             | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 117.00)

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity  |               | Small Entity  |               | Fee Description  | Fee Paid |
|---------------|---------------|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) |  |          |
| 105           | 130           | 205           | 65            | Surcharge - late filing fee or oath  |          |
| 127           | 50            | 227           | 25            | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139           | 130           | 139           | 130           | Non-English specification  |          |
| 147           | 2,520         | 147           | 2,520         | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112           | 920*          | 112           | 920*          | Requesting publication of SIR prior to Examiner action                     |          |
| 113           | 1,840*        | 113           | 1,840*        | Requesting publication of SIR after Examiner action                        |          |
| 115           | 110           | 215           | 55            | Extension for reply within first month                                     |          |
| 116           | 390           | 216           | 195           | Extension for reply within second month                                    |          |
| 117           | 890           | 217           | 445           | Extension for reply within third month                                     |          |
| 118           | 1,390         | 218           | 695           | Extension for reply within fourth month                                    |          |
| 128           | 1,890         | 228           | 945           | Extension for reply within fifth month                                     |          |
| 119           | 310           | 219           | 155           | Notice of Appeal   |          |
| 120           | 310           | 220           | 155           | Filing a brief in support of an appeal                                     |          |
| 121           | 270           | 221           | 135           | Request for oral hearing   |          |
| 138           | 1,510         | 138           | 1,510         | Petition to institute a public use proceeding                              |          |
| 140           | 110           | 240           | 55            | Petition to revive - unavoidable   |          |
| 141           | 1,240         | 241           | 620           | Petition to revive - unintentional   |          |
| 142           | 1,240         | 242           | 620           | Utility issue fee (or reissue)   |          |
| 143           | 440           | 243           | 220           | Design issue fee   |          |
| 144           | 600           | 244           | 300           | Plant issue fee  |          |
| 122           | 130           | 122           | 130           | Petitions to the Commissioner  |          |
| 123           | 50            | 123           | 50            | Petitions related to provisional applications                              |          |
| 126           | 240           | 126           | 240           | Submission of Information Disclosure Stmt                                  |          |
| 581           | 40            | 581           | 40            | Recording each patent assignment per property (times number of properties) |          |
| 146           | 710           | 246           | 355           | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149           | 710           | 249           | 355           | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179           |               | 279           | 355           | Request for Continued Examination (RCE)                                    |          |
| 169           | 900           | 169           | 900           | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)

Patrea L. Pabst

Registration No.  
(Attorney/Agent)

31,284

## Complete (if applicable)

Telephone

404-817-8473

Signature

Date

2/26/2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Simon F. Williams, David P. Martin, and Frank A. Skraly

Serial No.: Divisional of 09/535,146

Express Mail Label  
No. EL 639 985 126 US

Filed: February 26, 2002

Date of Deposit: February 26, 2002

For: MEDICAL DEVICES AND APPLICATIONS OF  
POLYHYDROXYALKANOATE POLYMERS

Box Patent Application  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Medical Devices and Applications of Polyhydroxyalkanoate Polymers*". This application is a divisional of pending prior application Serial No. 09/535,146, filed March 24, 2000, entitled "*Medical Devices and Application of Polyhydroxyalkanoate Polymers*", by Simon F. Williams, David P. Martin, and Frank A. Skraly, which claims priority to U.S. Provisional Application Serial No. 60/142,238 filed July 2, 1999, and to U.S. Provisional Application Serial

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 639 985 126 US  
Date of Deposit: February 26, 2002

No. 60/126,180 filed March 25, 1999. The application includes 1 page of abstract, 60 pages of specification, 5 pages of claims, 3 sheets of formal drawings, and a copy of the executed Declaration for Patent Application from prior application Serial No. 09/535,146.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/535,146, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/535,146.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please preliminarily amend the application in accordance with the Preliminary Amendment.

Also enclosed from prior application Serial No. 09/535,146 are copies of the (a) executed Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers by Metabolix, Inc.; and (b) executed Statement Under 37 C.F.R. § 3.73(b) by Metabolix, Inc., with attached copy of the recorded Assignment from Simon F. Williams, David P. Martin, and Frank A. Skraly to Metabolix, Inc.

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 639 985 126 US  
Date of Deposit: February 26, 2002

This application is entitled to claim small entity status pursuant to 37 C.F.R.

§ 1.27.

Enclosed is a check in the amount of \$370.00 to cover the filing fee for a small entity. The application includes 2 independent claims and a total of 33 claims upon entry of the enclosed Preliminary Amendment. The Commissioner is authorized to charge the excess claim fees to Deposit Account No. 50-1868.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868.

To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:


Patrea L. Pabst, Esq.  
HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, GA 30309-3400

This application is being filed on February 26, 2002, by mailing the application to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231 via the United States Postal Service "Express Mail Post

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 639 985 126 US  
Date of Deposit: February 26, 2002

Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,

  
\_\_\_\_\_  
Patrea L. Pabst  
Reg. No. 31,284

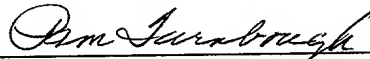
Date: February 26, 2002

HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400  
(404) 817-8473 (Telephone)  
(404) 817-8588 (Fax)

Divisional of U.S.S.N. 09/535,146  
Filed: February 26, 2002  
REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)  
Express Mail Label No.: EL 639 985 126 US  
Date of Deposit: February 26, 2002

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, February 26, 2002, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 639 985 126 US, addressed to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Pam Turnbough

Date: February 26, 2002

ATL1 #498865 v1